

FILED

SEP 21 2021

IN THE DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND  
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

JOSEPH LOWERS,

Defendant.

Criminal No.

1:21CR50

Violations: 18 U.S.C. § 922(a)(6)  
18 U.S.C. § 922(g)(3)  
18 U.S.C. § 924(a)(2)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(False Statement in Connection with the Acquisition of a Firearm)

On or about May 12, 2020, in Monongalia County, in the Northern District of West Virginia, defendant **JOSEPH LOWERS**, in connection with the acquisition of a firearm, to wit, a DPMS Firearms (LLC), semi-automatic rifle, model A-15, multi-caliber, serial number FFH163882, from a licensed dealer of firearms, did knowingly make a false written statement that was intended and likely to deceive such dealer with respect to a fact material to the lawfulness of the sale of such firearms, that is **JOSEPH LOWERS** falsely asserted in the Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, that he was not an unlawful user of, or addicted to any controlled substances; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT TWO**

(Unlawful Possession of a Firearm)

On or about May 14, 2020, in Monongalia County, in the Northern District of West Virginia, defendant **JOSEPH LOWERS**, knowing that he was an unlawful user of and addicted to a controlled substance, that is marijuana, knowingly possessed a firearm, to wit, a DPMS Firearms (LLC), semi-automatic rifle, model A-15, multi-caliber, serial number FFH163882, and the firearm was in and affecting commerce; in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

**FORFEITURE ALLEGATION**

*Gun Control Act*

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2), Unlawful Possession of a Firearm, including:

1. DPMS Firearms (LLC), semi-automatic rifle, model A-15, multi-caliber, serial number FFH163882;
2. ATI pistol, Omni Hybrid, multi-caliber, serial number NS274846.

A true bill,

/s/ \_\_\_\_\_  
Grand Jury Foreperson

/s/ \_\_\_\_\_  
RANDOLPH J. BERNARD  
Acting United States Attorney

Zelda E. Wesley  
Assistant United States Attorney